

REMARKS

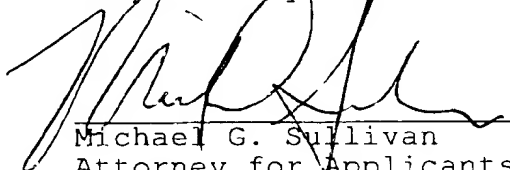
Claim 1 has been further amended by changing "an isolated human estrogen receptor protein" to "a human estrogen receptor protein."

The amended claim 1 overcomes the rejection of claims 1-6 and 15-16 under 35 USC 102(e) as anticipated by Cabib et al. (USP 5,936,731). As submitted in the previous response, the claim term "isolated DNA" means that the DNA is removed from its natural state to enable its examination in isolation. This "isolation" is from other DNA in the source genome, and thus, the amended claims do not encompass an isolated chromosome, as asserted by the Examiner. Accordingly, Applicants ask that the § 102(e) rejection be withdrawn.

In view of the remarks above, with the present amendments, it is believed that this application is condition for allowance. Favorable action is thus solicited.

In the event any fees are required with this paper, please charge our Deposit Account Number 02-2334.

Respectfully submitted,



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MGS:lcf
51MOSELMAN-SUPPLAMENDMENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Three times amended) An isolated DNA encoding [an isolated] a human estrogen receptor protein having a DNA-binding domain and a ligand-binding domain, wherein the amino acid sequence of said DNA-binding domain exhibits at least 80% homology with the amino acid sequence shown in SEQ ID NO:3, and the amino acid sequence of said ligand-binding domain exhibits at least 70% homology with the amino acid sequence shown in SEQ ID NO:4, and wherein said DNA-binding domain targets the receptor protein to a selected hormone responsive element of a target gene and said ligand-binding domain recognizes and binds to an estrogen, thereby modulating expression of said target gene.